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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,795	04/05/2001	Larry J. Marion	2983.1001-001	4077

21005 7590 03/10/2005

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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/826,795

**Applicant(s)**

MARION ET AL.

**Examiner**

Christopher M Lambrecht

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/5/01, 6/26/01</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-8** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,516,340 to Boys (hereinafter "Boys").

With regard to **claims 1 and 5**, Boys discloses in a method of providing a multimedia presentation in a computer system and corresponding multimedia article (col. 3, ll. 35-46 & col. 4, ll. 59-64), comprising the steps of:

preparing a story script on a current subject to be covered in a desired presentation (col. 5, ll. 11-18),

of that story script, determining certain portions for producing graphics or animation in the presentation (col. 6, ll. 57-65), determining other portions for use in at least one audio recording for the presentation or one video recording for the presentation (col. 6, ll. 44-56, col. 9, ll. 27-33), and remaining portions to provide text for the presentation (col. 6, ll. 34-44);

audio recording, or audio and video recording a speaker or demonstration which employs the determined other portion of the story script and is directed to an audience of the desired presentation (col. 6, ll. 45-56);

using digital means, producing graphics or animation following the determined certain portions of the story script (col. 6, ll. 57-65, col. 7, ll. 4-8 and ll. 21-25);

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preparing a text file containing the remaining portions of the story script in text (col. 6, ll. 34-44);  
and

combining the audio recording, audio and video recording, graphics or animation and text files in story script order, to form a computer executable file producing the desired presentation, such that upon a digital processor executing the computer executable file, the presentation having audio, video, graphics, animation and text is digital rendered and displayed (col. 5, ll. 18-25 and ll. 36-44).

As for **claims 2**, Boys discloses a method as claimed in claim 1 wherein the step of determining other portions includes determining parts of the story script which are efficiently conveyed by an interview or demonstration (where parts of the story script are conveyed by an interview or demonstration, col. 10, ll. 5-16, said parts are inherently conveyed with some degree of efficiency, and hence are conveyed efficiently).

As for **claims 3 and 7**, Boys discloses a method as claimed in claim 1 wherein the step of determining certain portions includes determining certain parts of the story script which are more easily understood with assistance of a visual aid (col. 10, ll. 5-10, where a pie chart, i.e., visual aid, is used to break down expenditures in a graphical form, said expenditures are more easily understood with the assistance of said pie chart).

As for **claim 4**, Boys discloses a digitally rendered multimedia presentation formed by the steps of claim 1 (see rejection of claim 1 and col. 5, ll. 10-40).

As for **claim 6**, Boys discloses a multimedia article as claimed in **claim 5** wherein the respective sections of the story script recited by the video and audio clip is more efficiently conveyed by a speaker

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or demonstration than text or a graphic illustration (col. 10, ll. 5-16, where an audio player is required to describe the pie chart, the information conveyed in the audio track is more efficiently conveyed by a speaker (i.e., entity describing said pie chart in said audio track) than by a text or graphic illustration).

As for **claim 8**, Boys discloses the article of claim 5 wherein the computer executable file is executable on multiple nodes of the computer network such that the multimedia presentation is widely accessible (col. 4, ll. 23-37).

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### ***Conclusion***

3. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

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### **Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_  
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\_\_\_\_\_

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M Lambrecht whose telephone number is (703) 305-8710. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht  
Examiner  
Art Unit 2611

CML

A handwritten signature in black ink, appearing to read 'HAI TRAN', is written over two horizontal lines.

**HAI TRAN  
PRIMARY EXAMINER**